

BLANK ROME LLP  
Attorneys for Defendant  
Jeremy J.O. Harwood (JH 9012)  
405 Lexington Avenue  
The Chrysler Building  
New York, NY 10174  
(212) 885-5000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EXIM GRAIN TRADE B.V.,

Plaintiff,

- against -

J.K. INTERNATIONAL PTY LTD.,

Defendant.

08 CIV 6989 (WHP)

**ANSWER UNDER ADMIRALTY RULE E(7) OF  
SUPPLEMENTAL RULES FOR ADMIRALTY OR  
MARITIME CLAIMS AND ASSET FORFEITURE CLAIMS  
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant J.K. INTERNATIONAL PTY LTD. ("Defendant") answers the verified Rule B complaint dated August 5, 2008 ("Complaint") of EXIM GRAIN TRADE B.V. ("Plaintiff") and states as follows upon information and belief:

1. Denies the allegations in Paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint.
3. Admits the allegations in Paragraph 3 of the Complaint.
4. Admits the allegations in Paragraph 4 of the Complaint.
5. Denies the allegations in Paragraph 5 of the Complaint.

6. Denies the allegations in Paragraph 6 of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint.
11. Admits the allegations in Paragraph 11 of the Complaint.
12. Admits the allegations in Paragraph 12 of the Complaint.
13. Paragraph 13 is a legal conclusion that Defendant is not obliged to answer or deny but denies the allegations and claims therein.
14. Denies the allegations in Paragraph 14 of the Complaint.
15. Paragraph 15 is a legal conclusion that Defendant is not obliged to answer or deny but denies the allegations and claims therein.

### **AFFIRMATIVE DEFENSES**

#### **FIRST**

1. The Court lacks personal jurisdiction over Defendant which is specifically not waived by an appearance herein pursuant to Supplemental Rule E(8) and also lacks subject matter or admiralty jurisdiction.

**SECOND**

2. The Complaint fails to state a cause of action upon which relief may be granted.

**THIRD**

3. The Complaint must be stayed or dismissed under 9 U.S.C. § 1 et seq. and §§ 201, et seq. in favor of the Arbitration or in the chosen forum selection in the Charter and/or bills of lading.

**FOURTH**

4. Plaintiff is not the real party in interest and lacks standing to bring this claim against Basic.

**FIFTH**

5. The alleged claim is barred by applicable statutes of limitations.

**SIXTH**

6. The alleged claim is barred by operation of law.

**SEVENTH**

7. The alleged claim is barred by laches.

**EIGHTH**

8. Plaintiff has failed to include or join indispensable parties to this action.

**NINTH**

9. If plaintiff suffered any loss or damage as alleged, which is denied, it was caused by or contributed to by an act or omission by the plaintiff and/or other third-parties, and not by Basic.

**TENTH**

10. Plaintiff failed to properly mitigate their alleged damages.

**ELEVENTH**

11. Service of the Complaint was improper and insufficient.

WHEREFORE, Defendant respectfully requests that:

(a) The Complaint be dismissed;

(b) Defendant be awarded its attorneys fees and all costs incurred in connection

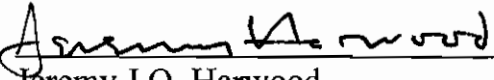
with this action; and

(d) the Court award Defendant such further and other relief as may be just.

Date: New York, New York  
August 13, 2008

Respectfully submitted,

BLANK ROME LLP

By:   
Jeremy J.O. Harwood  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
(212) 885-5000  
*Attorneys for Defendant*

**VERIFICATION**

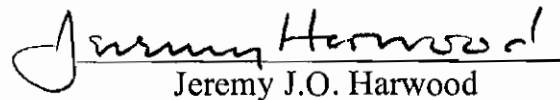
STATE OF NEW YORK )

: ss.:


COUNTY OF NEW YORK )

Jeremy J.O. Harwood, being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome LLP, attorneys for Defendant.
2. I have read the foregoing Answer and I believe the contents thereof are true.
3. The reason this Verification is made by deponent and not by Defendant is that Defendant is a foreign corporation, no officer or director of which is within this jurisdiction.
4. The sources of my information and belief are documents provided to me and statements made to me by representatives of Defendant.

  
Jeremy J.O. Harwood

Sworn to before me this  
13th day of August, 2008

  
Notary Public

**BARBARA WALSH**  
Notary Public, State of New York  
No. 01WA4925486  
Qualified in Queens County  
Commission Expires August 15, 2010